

DRAFT UNAPPROVED

VIRGINIA BOARD OF MEDICINE SPECIAL CONFERENCE COMMITTEE MINUTES

Thursday, July 19, 2007	Holiday Inn Select	Roanoke, Virginia
CALL TO ORDER:	A Special Conference Committee of the Board was called to order at 10:06 a.m.	
MEMBERS PRESENT:	Malcolm L. Cothran, Jr., M.D., Chair Valerie Hoffman, D.C. William Epstein, M.D.	
STAFF PRESENT:	William L. Harp, M.D., Executive Director Barbara Matusiak, Medical Review Coordinator Virginia Scher, Adjudication Specialist	
MATTER SCHEDULED:	W. Channing Nicholas, M.D.	License No.: 0101-047332 Case No.: 112209
PRELIMINARY MATTERS:	<p>The Chair noted that the time was now 10:07 a.m. and Dr. Nicholas was not present. The informal conference was scheduled to convene at 9:30 a.m. pursuant to the Board's Notice dated June 14, 2007.</p> <p>Ms. Scher advised that no written or verbal communication had been received from Dr. Nicholas regarding his attendance at the informal conference. However, the Notice had been sent to Dr. Nicholas' official address of record with the Board by certified and 1st class mail. According to the Board's records the 1st class mail had not been returned. However, the certified mail was refused and returned to the Board as noted on the envelope by the post office.</p>	
RULING:	Based on the information provided, the Chair determined that Dr. Nicholas had been properly noticed for the informal conference. Therefore, the Committee would proceed with the informal conference in his absence.	

DISCUSSION: Dr. Nicholas did not appear before the Committee in person in accordance with a Notice of Informal Conference dated June 14, 2007, nor was he represented by counsel. The Committee received information from Ms. Scher regarding the allegations in the Notice.

CLOSED SESSION: Upon a motion by Dr. Epstein, and duly seconded by Dr. Hoffman, the Committee voted to convene a closed meeting pursuant to §2.2-3711.A(28) of the Code of Virginia, for the purpose of deliberation to reach a decision in the matter of Dr. Nicholas. Additionally, he moved that Dr. Harp and Dr. Matusiak attend the closed meeting because her presence in the closed meeting was deemed necessary and would aid the Board in its deliberations.

RECONVENE: Having certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code, the Committee re-convened in open session and announced its decision.

DECISION: Upon a motion by Dr. Hoffman and duly seconded by Dr. Epstein, the Committee voted to refer this matter to the Board for a formal hearing since the Committee was unable to adjudicate this matter within the limits of its authority.

VOTE: The vote was unanimous.

ADJOURNMENT: The Committee adjourned at 10:31 a.m.

A formal hearing will be convened at a later date for a final determination.

Malcolm L. Cothran, Jr., M.D., Chair

William L. Harp, M.D., Executive Director

Date

Date

CALL TO ORDER: A Special Conference Committee of the Board was called to order at 10:31 a.m.

MEMBERS PRESENT: Malcolm L. Cothran, Jr., M.D., Chair
Valerie Hoffman, D.C.
William Epstein, M.D.

STAFF PRESENT: William L. Harp, M.D., Executive Director
Barbara Matusiak, Medical Review Coordinator

MATTER SCHEDULED: **Martha Elaine Fagan, M.D.** **License No.: 0101-233798**
Case No.: 104480

PRELIMINARY MATTERS: The Chair noted that the time was now 10:32 a.m. and Dr. Fagan was not present. The informal conference was scheduled to convene at 10:00 a.m., pursuant to the Board's Notice dated June 14, 2007.

Board staff advised that written communication had been received from Dr. Fagan regarding her attendance at the informal conference. In her letter received on July 16, 2007, Dr. Fagan advised that she was unable to attend the informal conference due to her current military duty in Okinawa. Also, she included a check for the monetary penalty that had been imposed by the Board's Order entered April 28, 2005 and had updated her profile in May, 2005.

RULING: Based on the information provided, the Chair determined that Dr. Fagan had been properly noticed for the informal conference. Therefore, the Committee would proceed with the informal conference in her absence and consider Dr. Fagan's recent communication regarding her compliance.

DISCUSSION: Dr. Fagan did not appear before the Committee in person in accordance with a Notice of Informal Conference dated June 14, 2007, nor was she represented by counsel. The Committee received information regarding the allegations in the Notice from Dr. Harp.

CLOSED SESSION: Upon a motion by Dr. Epstein, and duly seconded by Dr. Hoffman, the Committee voted to convene a closed meeting pursuant to §2.2-3711.A(28) of the Code of Virginia, for the purpose of deliberation to reach a decision in the matter of Dr. Fagan. Additionally, he moved that Dr. Harp and Dr. Matusiak attend the closed meeting because her presence in the closed meeting was deemed necessary and would aid the Board in its deliberations.

RECONVENE: Having certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code, the Committee re-convened in open session and announced its decision.

DECISION: Upon a motion by Dr. Hoffman, and duly seconded by Dr. Epstein, the Committee made certain Findings of Fact and voted to dismiss this matter.

VOTE: The vote was unanimous.

ADJOURNMENT: The Committee adjourned at 10:56 a.m.

As provided by law this decision shall become a Final Order thirty (30) days after service of such Order on Dr. Fagan, unless a written request to the Board for a formal hearing on the allegations made against her is received from Dr. Fagan, within such time. If service of the Order is made by mail three (3) additional days shall be added to that period. Upon such timely request for a formal hearing, the decision of the Special Conference Committee shall be vacated.

Malcolm L. Cothran, Jr., M.D., Chair

William L. Harp, M.D., Executive Director

Date

Date